

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTA AVA JAGNANAN,

Plaintiff,

-against-

MOEY, INC.; MOLLY LENORE; JOSEPH KIRSHNER STEIN,

Defendants.

ANALISA TORRES, United States District Judge:

Plaintiff brings this *pro se* action under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and the New York State and City Human Rights Laws, alleging that her employer discriminated against her based on her race, color, sex, and disability.¹ By order dated September 1, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP").

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.² *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants Moey, Inc., Molly Lenore, and Joseph Kirshner Stein through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

¹ Plaintiff filed the original complaint in this action on August 17, 2023. ECF No. 1. By order dated October 10, 2023, the Honorable Laura Taylor Swain, in her role as Chief Judge, directed Plaintiff to file an amended complaint within 60 days. ECF No. 4. On December 20, 2023, Chief Judge Swain granted Plaintiff's request for an extension of forty-five days to file an amended complaint. ECF No. 7. Plaintiff filed the amended complaint on February 5, 2024. ECF No. 8.

² Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the amended complaint until the Court reviewed the amended complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>2/20/2024</u>

23 Civ. 7299 (AT)

ORDER OF SERVICE

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

The Clerk of Court is directed to issue summonses for Moey, Inc, Molly Lenore, and Joseph Kirshner Stein, complete the USM-285 forms with the addresses for these defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: February 20, 2024
New York, New York



ANALISA TORRES
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Moey, Inc.
232 3rd Street, # E301
Brooklyn, NY 11215
2. Molly Lenore
131 Kensington Ave, # E2
Jersey City, NJ 07304
3. Joseph Kirshner Stein
817A Fifth Avenue
Brooklyn, NY 11232